

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alejandro CASTRO-Venegas

Defendant.

) Mag. Case No. **'07 MJ 8994**

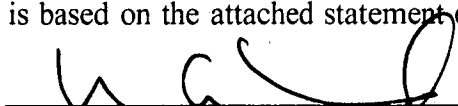
) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)  
) Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about December 16, 2007, within the Southern District of California, defendant Alejandro CASTRO-Venegas with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Heliodoro DE LOS SANTOS-Vasquez, Paulino CASTANEDA-Lopez, and Clemente HERNANDEZ-Cruz had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Marco A. Miranda  
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 18th DAY OF  
DECEMBER 2007.

  
PETER C. LEWIS  
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Alejandro CASTRO-Venegas

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative  
6 reports by the apprehending agent, A. Fernandez that on December 16, 2007, the defendant,  
7 Alejandro CASTRO-Venegas a Mexican citizen, was apprehended near Calexico, California, as  
8 the driver of a 1989 Plymouth Voyager van bearing California license 5ZTJ651, as he smuggled  
9 fifteen (15) undocumented aliens from Mexico, in violation of law.

10 While traveling on the eastbound lanes of Interstate 8, Agent Fernandez observed a van  
11 parked on the shoulder of the eastbound lanes and a Chevrolet Pick up that was parked south of  
12 the van. Agent Fernandez observed a group of individuals that were running from the pick up  
13 towards the van. The parked van entered the eastbound lanes of Interstate 8. After traveling for  
14 approximately one quarter mile the van suddenly stopped. The driver's side door opened and a  
15 male individual later identified as Alejandro CASTRO-Venegas exited the van and ran south.

16 Agent Fernandez approached the van and identified himself as a United States Border  
17 Patrol Agent. Agent Fernandez questioned the suspected illegal aliens as to their immigration  
18 status. They all stated that they were citizens and nationals of Mexico without proper  
19 immigration documents. All subjects were placed under arrest.

20 Agent Plooy who was near the area apprehended CASTRO as he attempted to flee south  
21 into Mexico. Agent Plooy identified himself as a United States Border Patrol Agent and  
22 questioned CASTRO as to his immigration status. CASTRO stated that he was a citizen and  
23 national of Mexico without proper immigration document. CASTRO and the fifteen passengers  
24 were transported to the Calexico Station for further processing.

25 At the station, CASTRO was advised of his Miranda rights in the Spanish language.  
26 CASTRO acknowledged understanding his rights and was willing to answer any questions  
27 without an attorney present. CASTRO told agents he was going to pay \$2,800 to be smuggled to  
28 Los Angeles, California. CASTRO also stated that the smuggler told him that he would get paid  
29 \$50 per alien if he drove the van. CASTRO stated that he told the aliens to get down while he  
was driving. CASTRO said he saw a Border Patrol vehicle with lights through his rear view

1 mirror and he stopped. CASTRO said that he exited the van and ran towards Mexico, but was  
2 arrested by Border Patrol.

3 Material Witnesses Paulino CASTANEDA-Lopez, Heliodoro DE LOS SANTOS-  
4 Vasquez, and Clemente HERNANDEZ-Cruz stated they are citizens of Mexico illegally in the  
5 United States. CASTANEDA, DE LOS SANTOS, and HERNANDEZ stated they all made  
6 arrangements to pay \$2,000.00 to be smuggled into the United States. CASTANEDA, DE LOS  
7 SANTOS, and HERNANDEZ stated they crossed illegally aboard a pick up truck that was  
8 driven across the United States/Mexico International border.

9 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Paulino CASTANEDA-Lopez	Mexico
Heliodoro DE LOS SANTOS-Vasquez	Mexico
Clemente HERNANDEZ-Cruz	Mexico

14 Further, complainant states that Paulino CASTANEDA-Lopez, Heliodoro DE LOS  
15 SANTOS-Vasquez, and Clemente HERNANDEZ-Cruz, are citizens of a country other than the  
16 United States; that said aliens have admitted that they are deportable; that their testimony is  
17 material, that it is impracticable to secure their attendance at the trial by subpoena; and they are  
18 material witnesses in relation to this criminal charge and should be held or admitted to bail  
19 pursuant to Title 18, United States Code, Section 3144.